

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Benoist SEBIRE et al.  
Serial No. : 09/937,949  
Confirmation No. : 8795  
Filed : August 5, 2002  
Examiner : Salman Ahmed  
Group Art Unit : 2616  
Title : COMMUNICATIONS SYSTEM

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 2, 2007

**APPLICANTS' SUMMARY OF RECORD OF INTERVIEW**

Sir:

Applicants have received the Office Interview Summary Record dated April 12, 2007. By way of background, in their Response and Request submitted on February 7, 2007, applicants argued that the Supreme Court citation and related comments (quoted below) in the "Response to Arguments" section on pages 15-19 of the Office Action dated November 7, 2007 were improper, superfluous and a new grounds of rejection:

"Rigid prophylactic test is not needed to implement section 103(a)'s nonobviousness requirement. Teaching-Suggestion-Motivation Test Should Not be The Exclusive Means of Establishing Obviousness. There may be differences between respondent's invention and the state of the prior art. The gap between the prior art and respondent's system is simply not so great as to render the system non-obvious to one reasonably skilled in the art. Id. At 230. (No. 04-1350 In the Supreme Court of the United States KSR INTERNATIONAL CO., PETITIONER v. TELEFLEX INC., ET AL)."

Applicants' gratefully acknowledge the withdrawal of this citation. Thus, the disagreement over whether there was a new grounds of rejection, and whether the finality of office action should be withdrawn due to alleged new grounds of rejection, has now been rendered moot. It is agreed that, in

view of the withdrawal, there are no longer any new grounds of rejection. The Examiner further indicated in the interview that applicants continued to need to file a response to the obviousness rejection on the grounds that one of ordinary skill in the art would have been motivated by the Tran patent to modify the Dent patent such that the resulting combination would read on the claimed invention, and that such prior art rejection was a final rejection to which a substantive response remained due and the response period continues to run from the November 7, 2007 mailing date of the Office Action.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert Bauer", is written over a horizontal line.

Robert Bauer, Reg. No. 34,487  
LACKENBACH SIEGEL LLP  
One Chase Road  
Scarsdale, NY 10583

Date: May 2, 2007